

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

KIMBERLEE WILLIAMS, et al.,

Plaintiffs,

v.

BASF CATALYSTS LLC, et al.,

Defendants.

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Case No. 2:11-cv-1754-JLL-JAD

**ORDER FROM SPECIAL MASTER
RE ECF NO. 372**

THIS MATTER having been opened by the November 13, 2017 application of defendant BASF Catalysts LLC (“BASF”) (Kirkland & Ellis LLP and Robinson Miller LLC, appearing) seeking various forms of discovery relief;

AND, on November 13, 2017, defendants Cahill Gordon & Reindel LLP, Howard G. Sloane, and Ira J. Dembrow (Williams & Connolly LLP and Connell Foley LLP, appearing), having joined in BASF’s application and having sought additional relief [ECF No. 373];

AND, on November 17, 2017, plaintiffs Kimberlee Williams, Nancy Pease, Marilyn L. Holley, Donna Ware, Donnette Wengerd, and Rosanne Chernick, each in their capacity as the personal representative of a decedent and as representatives of others similarly situated (“plaintiffs”) (Cohen, Placitella & Roth, P.C., appearing), having filed their opposition to BASF’s application [ECF No. 374];

AND, on November 20, 2017, BASF having filed its consolidated reply to the opposition to its application [ECF No. 375];

AND, on November 29, 2017, plaintiffs having filed a supplemental letter with certifications attesting to the efforts expended in responding to the requests for production of documents to date [ECF No. 379];

AND, on November 29, 2017, Bevan and Early (Levy Konigsberg, LLP, appearing), having filed their opposition to BASF's application, seeking costs and counsel fees associated with future compliance [ECF No. 380];

AND, oral argument on the foregoing having been heard on November 30, 2017;

AND, the written and oral submissions of the parties having been considered;

AND, for the reasons set forth on the record on November 30, 2017, an order was entered on November 30, 2017 memorializing the determinations reached during the oral argument;

AND, counsel for BASF, counsel for plaintiffs, and counsel for Bevan and Early having proposed and consented to a modification of paragraph 8 of the November 30, 2017 order;

AND, for good cause appearing;

IT IS, this 6th day of December, 2017, hereby

1. **ORDERED** that paragraph 8 of the November 30, 2017 order be, and the same hereby is, **AMENDED** to read as follows:

8. **FURTHER ORDERED** that the request for an order commanding the production of e-mails in the files of the representative plaintiffs named in this action maintained by Bevan or Early be, and the same hereby is, **GRANTED** under the

following terms and conditions: Bevan and Early shall (i) review their respective physical and electronic files of the named representative plaintiffs, as well as Bevan's and Early's physical and electronic files, to determine whether e-mails exist; (ii) review all such files and cause each page to be Bates-numbered; (iii) segregate the documents contained in those files into two categories: non-privileged documents, and documents under a claim of privilege; (iv) generate a privilege log listing any document in those files in respect of which a privilege is claimed; (v) immediately transfer to BASF copies of all documents in those files in respect of which no privilege is being claimed; and (vi) immediately electronically transfer to the special master copies of all documents in those files in respect of which a privilege is claimed and the privilege log in respect of each of those files, all in .pdf format with OCR;

and it is hereby

2. FURTHER ORDERED that, save and except as modified by paragraph

1, above, the provisions of the November 30, 2017 order remain unchanged.

/s/ Roberto A. Rivera-Soto

Roberto A. Rivera-Soto

Special Master